

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYAN D. PATTERSON,

Plaintiff,

v.

MAURICE HOWARD, et al.,

Defendants.

No. 1:20-cv-00751-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE

(Doc. No. 41)

Plaintiff Bryan D. Patterson is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 3, 2021, the assigned magistrate judge issued findings and recommendations, recommending that defendant Maurice Howard's motion for summary judgment be granted and the action be dismissed, without prejudice, due to plaintiff's failure to exhaust his administrative remedies prior to filing suit as is required. (Doc. No. 41.) Those findings and recommendations were served on all parties and contained notice that any objections were to be filed within thirty (30) days of service. (*Id.* at 10.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the undersigned has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on December 3, 2021 (Doc. No. 41) are adopted in full;
2. Defendant's motion for summary judgment (Doc. No. 31) is granted;
3. This action is dismissed without prejudice due to plaintiff's failure to exhaust his administrative remedies prior to filing suit; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **January 27, 2022**

Dale A. Troyd
UNITED STATES DISTRICT JUDGE